

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MELODY LOPEZ,

CASE NO. 5:12-cv-02283 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

AMERICA'S WHOLESALE LENDER, et.
al.,

Defendant(s).

On May 7, 2012, Plaintiff filed the Complaint underlying this action. See Docket Item No.

1. Several summonses were also issued at that time. See Docket Item Nos. 4-8. To date, however, the docket does not contain a proof of service for any defendant, and no defendants have appeared in this action.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The 120-day period for service provided by Rule 4(m) elapsed on September 4, 2012.


Accordingly, this court issues the instant Order to Show Cause ("OSC") requiring that Plaintiff, **no later than November 26, 2012**, either: (1) file documents to show proof of service of the Summons

1 and Complaint on defendants; or (2) explain in writing why service has not been accomplished. No
2 hearing will be held on the order to show cause unless otherwise ordered by the Court.

3 Plaintiff is notified that the court will dismiss this action if Plaintiff fails to comply with this
4 OSC or otherwise fail to show good cause as directed above. In light of the OSC, the Case
5 Management Conference scheduled for November 16, 2012, is VACATED.

6 **IT IS SO ORDERED.**

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8 Dated: November 2, 2012


EDWARD J. DAVILA
United States District Judge

United States District Court
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